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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,414	11/24/2003	Timothy R. Jones		5104

7590 08/22/2005  
Timothy R. Jones  
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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT PAPER NUMBER

2875

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	Application No. 10/720,414	Applicant(s) JONES, TIMOTHY R.	
	Examiner Hargobind S. Sawhney	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The reply filed on June 16, 2005 has been entered.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oka et al. (Japanese Patent No.: JP 55023372), hereinafter referred as Oka, in view of Soucy, Jr. (US Patent No.: 3,174,552) and Goggia (US Patent No.: 5,072,345).

Oka discloses a windmill electric generator (Figure 1, English translated abstract) comprising:

- color light emitters 10 (Figures 1, 2 and 6, English translated abstract)  
movable with air current;
- a control – switches - and energy storage system (not shown)  
operationally required, and electrically coupled through power cable 13  
(Figures 1, 2 and 6)

Oka discloses the light emitters being colored emitters including incandescent bulbs. However, Oka does not specifically disclose the light emitter being multi-color light emitters.

On the other hand, Soucy, Jr. ('552) discloses a rotary wing aircraft (Figure 1) comprising a variety light emitters 66 positioned a spinner 24 (Figures 1-3, column 1, line 37-40, and column 2, lines 25 and 26).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the windmill electric generator of Oka by providing the multi-color light emitters as taught by Soucy, Jr. ('552) for benefit and advantage of providing illumination of high signaling and attraction values.

In addition, neither in combination of individually Oka and Soucy, Jr. ('552) teaches the multi-color light emitter being powered by a solar energy capture system.

On the other hand, Goggia ('345) discloses an outdoor light assembly 10' (Figure 15) comprising a plurality of rotating lights 31 (Figures 1 and 15, column 7, lines 39-45) being power by a solar energy capture system 15' including controls 34 (Figures 1 and 15, column 7, lines 39-50).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the windmill electric generator of Oka in view Soucy, Jr. ('552) by providing the solar system for powering the light source as taught by Goggia ('345) for benefit and advantage of utilizing the least cost, and most reliable energy source for operation of the device.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oka et al. (Japanese Patent No.: JP 55023372), hereinafter referred as Oka, in view of Soucy, Jr. (US Patent No.: 3,174,552).

Oka discloses a windmill electric generator (Figure 1, English translated abstract) comprising:

- color light emitters 10 (Figures 1, 2 and 6, English translated abstract) moved with air current;
- a control – switches - and energy storage system (not shown) operationally required, and electrically coupled through power cable 13 (Figures 1, 2 and 6)

Oka discloses the light emitters being colored emitters including incandescent bulbs. However, Oka does not specifically disclose the light emitter being multi-color light emitters.

On the other hand, Soucy, Jr. ('552) discloses a rotary wing aircraft (Figure 1) comprising a variety light emitters 66 positioned a spinner 24 (Figures 1-3, column 1, line 37-40, and column 2, lines 25 and 26).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the windmill electric generator of Oka by providing the multi-color light emitters as taught by Soucy, Jr. ('552) for benefit and advantage of providing high illumination of high signaling and attraction values.

***Response to Amendment***

5. Applicant's arguments filed on June 16, 2005 with respect to the 35 U.S.C. 103(a) rejection of claims 1 and 2 have been fully considered but they are not persuasive.

Argument: Regarding Claim 1, Oka does not teach a system for conduction of electric current to the rotating windmill blade to power light emitters.

Response: Claim 1 does not include any limitation requiring conduction of electric current to the rotating windmill blade to power light emitters.

Argument: Soucy, Jr. ('552) overcomes the highly undesirable "requirement of slip ring", and current will be induced in the generator stator.

Response: The above-indicated teaching has no direct relation with the limitations included in Claim 1.

Argument: Goggia ('345) does not contemplate " a plurality of rotating lights", but a "pop-up landscape light" with control means for selective actuation of a motor.

Response: As detailed in Section 3 of this office action, and in the previous non-final office action, please note the following:

Neither in combination of individually Oka and Soucy, Jr. ('552) teaches the multi-color light emitter being powered by a solar energy capture system.

On the other hand, Goggia ('345) discloses an outdoor light assembly 10' (Figure 15) comprising a plurality of rotating lights 31 (Figures 1 and 15, column 7, lines 39-45) being power by a solar energy capture system 15' including controls 34 (Figures 1 and 15, column 7, lines 39-50).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to further modify the windmill electric generator of Oka in view Soucy, Jr. ('552) by providing the solar power system for powering the light source as taught by Goggia ('345) for benefit and advantage of utilizing the least cost, and most reliable energy source for operation of the device.

As detailed above, only the teaching " powering the light source with solar power system of Goggia ('345) has been utilized to modify the windmill electric generator disclosed by Oka in view of Soucy, Jr. ('552).

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined

teachings of the references would have suggested to those of ordinary skill in the art.

Argument: New device does not require moving or sliding electrical contacts.

Response: the subject matter of the arguments presented applicant's has no direct relationship with the limitations included in the claims.

Note:

The highlights of prior arts Santos ('539), Yang ('163 and others have not been relied upon for the examination of the application. All these arts have been considered pertinent to the applicant's disclosure.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



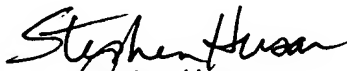
Art Unit: 2875

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S. Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS  
8/10/2005

  
Stephen Husar  
Primary Examiner